THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :22317 of 2007

DATED:23-10-2007

BETWEEN:

K.M.Selvaraj & another.

..... PETITIONERS

AND

The State of A.P.,
Rep., by the District Collector,
Chittoor & 2 others.

.....RESPONDENTS

_
_
_
_
_
_

ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the proceedings in ROC.B1/1865/2007, dated 24-07-2007, as illegal and arbitrary.

3. It is stated that against the order passed by the 3rd respondent-Tahsildar, Kuravalakota mandal, Chittoor District in ROC.B/24/2007, dated 13-06-2007, under Section 4(1) of the A.P.Assigned Lands (Prohibition of Transfers) Act 1977 (for brevity, 'the Act') alleging that the petitioners purchased the assigned lands in contravention of sub-Section 2 of Section 3 of the Act from the assignee, petitioners filed an appeal before the 2nd respondent-Revenue Divisional Officer, Madanapalle, and the 2nd respondent initially granted stay by order, dated 29-06-2007, and thereafter the stay order has been vacated by the impugned order in ROC.B1/1865/2007, dated 24-07-2007. Aggrieved by the said order the present Writ Petition has been filed.

4. I am not inclined to express any opinion with regard to the merits of the case, but however, when a statutory appeal is filed and pending, it may not be just and proper for the appellate authority to vacate the stay order and make the appeal to become

infructuous.

5. Having regard to the facts and circumstances of the case, the impugned order is set aside and the 2nd respondent is directed to consider and dispose of the appeal itself as expeditiously as possible in accordance with law and pending disposal of the appeal *status quo* obtaining prior to vacating the stay i.e., on 23-07-2007 shall continue.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

_____

V.ESWARAIAH,J

23rd October, 2007.
Tsy